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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,373	08/07/2006	Hirokazu So	P29888	8985
52123 7590 02/09/2009 GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191				
EXAMINER CHERY, MARDOCHIEE				
ART UNIT 2188		PAPER NUMBER		
NOTIFICATION DATE 02/09/2009		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com  
pto@gbpatent.com

### Office Action Summary

**Application No.**

10/578,373

**Applicant(s)**

SO ET AL.

**Examiner**

MARDOCHEE CHERY

**Art Unit**

2188

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11/24/08.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3,5,6,8-10,12,14,15,17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,5,6,8-10,12,14,15,17 and 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/24/08 has been entered.

### ***Response to Amendment***

2. In response to the last Office action, claims 1 and 10 have been amended. Claims 7 and 16 have been canceled. As a result, claims 1, 3, 5-6, 8-10, 12, 14-15, 17-18 are now pending.

### ***Response to Arguments***

3. Applicant's arguments filed 11/24/08 have been fully considered but they are not persuasive.

The newly added limitations into independent claims 1 and 10 are from canceled claims 7 and 16 which recite "the region information storage section further stores information about a type of format for the command received in the host interface" which are taught by the cited reference, Partition Magic, at page 129, Fig. 4.4 which shows region information storage section of a hard disk storing information about a type of format, e.g., FAT, NTFS, HPFS, received from an interface during partitioning/formatting.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 3-6, 8-10, and 12-15, 17-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Partition Magic (1994).

As per claim 1, Partition Magic discloses a recording medium to/from which data can be written/read by a data processing apparatus [Fig. 3.2], comprising: a host interface operable to communicate with the data processing apparatus [page 132]; a data storage section having plural recording regions to store data [pages 118-120]; and a region information storage section that stores information about each recording region of the data storage section, wherein the region information storage section stores information about address attribute of each recording region of the data storage section [page 120; Fig. 4.2]; the address attribute is a unit of address specified from the data processing apparatus for access to the recording region of the recording medium [pages 29, 30, 120]; wherein the region information storage section further stores information about type of format of the command received in the host interface [page 129, Fig. 4.4 *shows region information storage section of a hard disk storing information about a type of format, e.g., FAT, NTFS, HPFS, received from an interface during partitioning/formatting*].

As per claim 3, Partition Magic discloses the unit of address is sector or byte [page 120].

As per claim 4, Partition Magic discloses a controller operable to receive a command for instructing writing or reading of data from the data processing apparatus by way of the host interface, and when the received command specifies an address indicating an access region, judge unit of the address specified by the received command, on the basis of the address attribute stored in the region information storage section [page 117].

As per claim 5, Partition Magic discloses data stored in each recording region is managed by a file system corresponding to each recording region [page 127, Fig. 4.3].

As per claim 6, Partition Magic discloses the region information storage section further stores information about type of command set of the command received in the host interface [page 129, Fig. 4.4].

As per claim 8, Partition Magic discloses a controller operable to receive, from the data processing apparatus by way of the host interface, a command to set an accessible recording region in the data storage section from the data processing apparatus, set an accessible region in the region information storage section according to the received command when the received command specifies the address attribute of

the recording region set to be accessible, and change the address attribute of the set accessible region [pages 17-19, 130-131].

As per claim 9, Partition Magic discloses a controller operable to, when receiving a command for changing size of recording region in the data storage section through the host interface from the data processing apparatus, change size of recording region according to the received command, determine the address attribute of the changed recording region according to the changed size of the recording region, and update the region information storage section using the determined address attribute [pages 17-19, 130-131].

As per claim 10, Partition Magic discloses a control method of a recording medium having a data storage region for storing data, the data storage region accessible from outside for writing and reading data [Fig. 3.2, page 132], the control method comprising: dividing the data storage region of the recording medium into plural recording regions [page 26, Fig. 3.2]; and storing region information which is information about each divided recording region to a predetermined region in the recording medium, wherein the region information includes information about address attribute of each recording region [Fig. 3.2; page 12]; the address attribute is a unit of address specified for access to the recording region of the recording medium [pages 29, 30, 120]; the region information further stores information about type of format of the received command [page 129, Fig. 4.4 *shows region information storage section of a hard disk storing*

*information about a type of format, e.g., FAT, NTFS, HPFS, received from an interface during partitioning/formatting].*

As per claim 12, Partition Magic discloses the unit of address is sector or byte [page 120].

As per claim 13, Partition Magic discloses receiving a command for instructing writing or reading of data, with an address showing access range specified in the command; and judging unit of the address specified by the received command, on the basis of the stored address attribute, to specify the access range [page 117].

As per claim 14, Partition Magic discloses data stored in each recording region is managed by the file system corresponding to each recording region [page 127, Fig. 4.3].

As per claim 15, Partition Magic discloses the region information further stores information about type of command set of the received command [page 129, Fig. 4.4].

As per claim 17, Partition Magic discloses the region information includes information of a recording region accessible from outside, and the control method further comprises: receiving a command for setting a recording region accessible from outside, the command specifying the address attribute of the accessible recording

region, and in the region information, setting the accessible recording region and changing the information about the address attribute of the set accessible recording region, according to the received command [pages 17-19, 130-131].

As per claim 18, Partition Magic discloses the region information further includes size of each recording region, and the control method further comprises: receiving a command for changing size of recording region of the recording medium; changing the size of recording region according to the received command; and determining the address attribute of a changed recording region according to the changed size of recording region, and updating the region information using the determined address attribute [pages 17-19, 130-131].

### ***Conclusion***

6. When responding to the office action, Applicant is advised to clearly point out the patentable novelty that he or she thinks the claims present in view of the state of the art disclosed by references cited or the objections made. He or she must also show how the amendments avoid such references or objections. See 37 C.F.R. 1.111(c).

7. When responding to the Office action, Applicant is advised to clearly point out where support, with reference to page, line numbers, and figures, is found for any amendment made to the claims.



8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mardochee Chery whose telephone number is (571) 272-4246. The examiner can normally be reached on 8:30A-5:00P.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung Sough can be reached on (571) 272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

February 2, 2009

/M.C./

Mardochee Chery  
Examiner  
AU: 2188